

**UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF NEW YORK**

MARTÍN JONATHAN BATALLA VIDAL,
ANTONIO ALARCON, ELIANA FERNANDEZ,
CARLOS VARGAS, MARIANO MONDRAGON,
and CAROLINA FUNG FENG, on behalf of
themselves and all other similarly situated
individuals, and MAKE THE ROAD NEW YORK,
on behalf of itself, its members, its clients, and all
similarly situated individuals,

Plaintiffs,

v.

ELAINE C. DUKE, Acting Secretary, Department
of Homeland Security, JEFFERSON
BEAUREGARD SESSIONS III, Attorney
General of the United States, and DONALD J.
TRUMP, President of the United States,

Defendants.

No. 1:16-cv-04756 (NGG) (JO)

PLEASE TAKE NOTICE that, pursuant to Local Rule 1.4, defense counsel Kate Bailey respectfully requests that the Court order her withdrawal as counsel of record and cease sending docketing notifications via the ECF system. A motion to withdraw under Rule 1.4 turns on the reasons for counsel's withdrawal and the potential impact of that action on the timing of the proceeding. *See, e.g., Winkfield v. Kirschenbaum & Phillips, P.C.*, No. 12-CV-7424 (JMF), 2013 WL 371673, at *1 (S.D.N.Y. Jan, 29, 2013). Ms. Bailey seeks to withdraw because she is leaving the Civil Division after October 28, 2019 and will no longer have responsibility for this case. Because Ms. Bailey's new position does not involve defensive civil litigation on behalf of the U.S. government, it is appropriate for her to withdraw from this case.

Furthermore, review of this Court's entry of a preliminary injunction is currently pending before the U.S. Supreme Court. Should the case return to this Court following appellate review, remaining trial counsel will be available to handle the case.

Ms. Bailey is not retaining or charging a lien.

Dated: October 11, 2019

Respectfully submitted,

/s/ Kate Bailey

Kate Bailey

Trial Attorney

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